

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 25243 of 2003

Between:

Y.Kishan, S/o. Late Vittal
R/o. Safilguda, Hyderabad

..... PETITIONER

AND

Union Bank of India, Khairatabad Branch at 6-2-984,
Pavani Plaza, Khairatabad, Hyderabad
rep. by its authorised Officer.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandamus, declaring the Sections 13 (2) and 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the action of the respondent bank in seizing all the petitioner's properties under the cover of possession Notice and Inventory Dated:29-1-2003 taking advantage of the above sections, without giving him any proper notice or opportunity to clear the loan dues, as illegal, improper, arbitrary, violative of principles of natural justice null and void, besides being damaging the interests of the banking customers; while issuing a consequential direction to the respondent bank to release all the seized properties, machinery along with all the concerned documents seized on 29-1-2003 to the petitioner forthwith by accepting his personal undertaking to clear the loan dues.

Counsel for the Petitioner:MR.A.SAMEER KUMAR

Counsel for the Respondent No.: MR.R.SUBBA RAO

The Court made the following :

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ORAL ORDER: (per Hon'ble the Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ.

29-10- 2004 C.V.RAMULU, J

Tvr

To

The Authorised Officer,

Union Bank of India, Khairatabad Branch at 6-2-984,
Pavani Plaza, Khairatabad, Hyderabad.